

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

OAKLAND BULK & OVERSIZED  
TERMINAL, LLC,

Plaintiff,

v.

CITY OF OAKLAND,

Defendant.

Case No. [16-cv-07014-VC](#)

**ORDER RE EVIDENTIARY  
OBJECTIONS**

Both sides have made numerous evidentiary objections to the materials submitted at trial. This order disposes of those objections:


- All objections to testimony or documents not cited in the Findings of Fact and Conclusions of Law filed May 15, 2018 are denied as moot.
- All materials that the relevant Oakland officials have declared were received by the City on or before June 27, 2016 are deemed part of the record, and the plaintiff's objection to the contrary is overruled. *See* Dkt. No. 222.
- All of the plaintiff's remaining objections to materials cited in the Findings of Fact and Conclusions of Law are denied as moot.
- The defendants make a blanket objection to the consideration of documents and testimony that were not part of the record before the City Council in connection with its consideration of the resolution and ordinance at issue in this case. This objection is overruled. As explained in the Findings of Fact and Conclusions of Law, materials not part of the City Council record are less central to the adjudication of the plaintiff's breach of contract claim, but they remain relevant to

the extent they assist the Court in its assessment of the record before the City Council.

- The defendants make hearsay objections to the use of two studies relating to the AP-42 guidance by one of the plaintiff's experts. These objections are overruled because experts may use and rely on hearsay to form their opinions.

**IT IS SO ORDERED.**

Dated: May 15, 2018



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VINCE CHHABRIA  
United States District Judge